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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,709	12/06/2006	Heiner Kudrus	KUDRUS-2 PCT	3651

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EXAMINER
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SINGH, KAVEL

ART UNIT	PAPER NUMBER
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3651

MAIL DATE	DELIVERY MODE
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09/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/594,709

Applicant(s)

KUDRUS, HEINER

Examiner

Kavel P. Singh

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/06/06, 5/17/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show a gantry as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10,13,14,16-18,21, and 24-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Sieurin U.S. Patent No. 3,761,003.

Claims 1 and 24, Sieurin teaches an apparatus and method for a first chain carrier (44) and a second chain carrier (34), the first tool chain (48b) and the second tool chain (48a) forming a drawing plane in which the workpiece to be drawn is caused to move and at least one of the chain carriers (34) being displaceable in a frame (16) absorbing press-on forces between the tool chains (48a,48b), wherein a first frame half (18a) is disposed on a first side of the drawing plane and a second frame half (18b) on a second side of the drawing plane, and the first frame half (18a) and the second frame half (18b) are configured to be symmetrical in the region opposing the press-on forces (C3 L8-11). Claim 2, Sieurin teaches the frame (16) is configured to be substantially symmetrical (Fig. 7).

Claims 3 and 29, Sieurin teaches the frame (16) carries the two chain carriers (34,44).

Claims 4 and 30, Sieurin teaches the frame (16) is standing on a base or the floor (Fig. 7).

Claim 5, Sieurin teaches first chain wheels (34) for guiding the first tool chain (48b) are disposed on the first chain carrier (34).

Claim 6, Sieurin teaches second chain wheels (44) for guiding a second tool chain (48a) are disposed on the second chain carrier (44).

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Claims 7,9,10, and 25, Sieurin teaches neutralizing press-on forces within the frame (16) so that first press-on forces, which are applied to a first press-on plane side and teaches second press-on forces, which are applied to a second press-on plane side, are neutralizing each other within said frame (16) (Fig. 7).

Claims 8 and 16, Sieurin teaches neutralizing press-on forces are configured to be symmetrical with respect to a drawing plane and/or with respect to a press-on plane (C4 L19-22).

Claims 13 and 14, Sieurin teaches the caterpillar conveyor (10) comprises a gantry that carries adjusting means for at least one of the two chain carriers (234,44), said adjusting means (80a,80b) being substantially disposed in the drawing plane.

Claim 17, Sieurin teaches the frame (16) and a gantry for holding the adjusting means (80a,80b) for chain carriers (34,44) are identical.

Claim 18, Sieurin teaches the two frame halves (18a,18b) are joined together by means of connecting means.

Claim 21, Sieurin teaches the drawing die is disposed on the frame (16) with symmetrically formed supporting means (18a,18b) so that forces acting onto the drawing die are introduced substantially symmetrically into the two frame halves (C4 L45-50).

Claim 26, Sieurin teaches at least one chain carrier (34) is aligned with respect to the linear workpiece, the at least one chain carrier (34) being retained in the drawing plane by at least one adjusting means (80a,80b), and is moved and aligned in the drawing plane with respect to the linear workpiece to be drawn (C4 L1-3).

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Claim 27, Sieurin teaches a frame (16) or gantry opposes press-on forces needed for drawing the workpiece symmetrically with respect to the drawing plane.

Claim 28, Sieurin teaches the frame or gantry (16) receives press-on forces between the tool chains (48a,48b).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11,12,19,20,22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sieurin U.S. Patent No. 3,761,003 in view of Haugwitz U.S. Patent No. 3,144,949.

Claims 11,12, and 19, Sieurom teaches forces applied for drawing the workpiece are distributed between the frame halves (18a,18b), symmetrically with respect to the drawing plane, but Haugwitz teaches a force splitter (37',37'') by means of which press-on forces (C4 L20-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to use force splitter as taught by Haugwitz into the invention of Sieurin in order to ease the tension on the workpiece.

Claims 20,22 and 23, Sieurin teaches a connecting means for the first chain carrier (34) provided between the frame halves (18a,18b) and a connecting means for the second chain carrier (48a) provided between the frame halves (18a,18b), but Haugwitz teaches

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the supporting means include at least one cross-tie (50) having a component departing from the drawing die and leading toward the frame (12), away from the drawing path. It would have been obvious to one of ordinary skill in the art at the time of the invention to use force splitter as taught by Haugwitz into the invention of Sieurin in order to ease the tension on the workpiece.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sieurin U.S.

Patent No. 3,761,003 in view of Perrella U.S. Patent No. 4,360,054.

Claim 15, Sieurin teaches the adjusting means (80a,80b) comprise at least one cylinder (90) for adjusting the chain carriers (34,44), but does not teach as Perrella teaches a hydraulic cylinder (410). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a hydraulic cylinder as taught by Perrella into the invention of Sieurin in order to ensure the adjustment means will move without jamming.

### ***Conclusion***

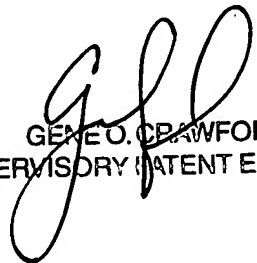
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Kavel P. Singh whose telephone number is (571) 272-2362. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KPS

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER



FORM PTO-1449 (REV. 7-80)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO.:  KUDRUS-2 PCT	SERIAL NO.:  10/594,709
LIST OF REFERENCES CITED BY APPLICANT  (Use several sheets if necessary)		APPLICANT: Heiner KUDRUS	
		FILING DATE:	GROUP:

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
/KS/	AA	• US 2,742,144	3/1949	Meyerbach			
	AB	• US 2,797,798	7/1957	Hallden			
	AC	• US 3,945,547	3/1976	Ledebur			
/KS/	AD	* • US 2004/0011111	1/2004	Klingen et al.			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
/KS/	AI	• NL 1012599	3/2000	Netherland (Enc.+Eng. Abs)				
	AJ	* GB 1450136	9/1976	Great Britain (Enc.)				
	AK	• EP 1005828	6/2000	European (Enc.)				
	AL	* • EP 0433767	6/1991	European (Enc.)				
	AM	• DE 2942110	4/1981	Germany (Enc.)				
	AN	• DE2629512	12/1977	Germany (Enc.)				
	AO	• DE 2448157	4/1976	Germany (Enc.)				
/KS/	AP	○ WO 00/17481	3/2000	International (Enc.)				
	AQ							
	AR							
	AS							

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

AP	INTERNATIONAL SEARCH REPORT
EXAMINER /Kavel Singh/	DATE CONSIDERED 09/13/2007
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

\* SR = SEARCH REPORT • SP = SPECIFICATION ○ = State of the Art

